



General Assembly

February Session, 2002

***Amendment***

LCO No. 5163

\*HB0528605163SR0\*

Offered by:

SEN. SMITH, 14<sup>th</sup> Dist.

To: Subst. House Bill No. 5286

File No. 629

Cal. No. 450

***"AN ACT CONCERNING PUBLIC HEALTH EMERGENCY  
RESPONSE AUTHORITY."***

1 Strike lines 86 to 205, inclusive, in their entirety, and insert the  
2 following in lieu thereof:

3 "(b) Each person entering quarantine or isolation pursuant to this  
4 section, or that person's custodial parent, legal guardian, or  
5 conservator shall be provided with a clear written explanation of the  
6 order by the commissioner which contains: (1) (A) The name of the  
7 person or persons to be confined, or (B) the name of the geographic  
8 area where such communicable disease is present and such persons  
9 living in such area are to be confined, (2) the basis for the  
10 commissioner's belief that the person has a communicable disease or is  
11 at a substantial risk of having a communicable disease or passing such  
12 communicable disease to other persons, that the person poses a  
13 substantial threat to the public health and that confinement is  
14 necessary to protect or preserve the public health, (3) the disease or  
15 diseases that resulted in the person's quarantine or isolation, including

16 symptoms to be expected, available treatments, and all known health  
17 risks to persons in the quarantine or isolation area, (4) the period of  
18 time during which the order shall remain effective, (5) the place of  
19 confinement as designated by the commissioner, (6) all rules and  
20 regulations related to the quarantine or isolation, (7) the conditions of  
21 their quarantine or isolation, (8) how the daily personal needs will be  
22 met, including contact with friends or relatives who are not physically  
23 with the person in quarantine or isolation, (9) the rights and  
24 responsibilities specified in this section, including, but not limited to,  
25 those either explicit or implicit in subdivision (8) of this subsection,  
26 and (10) such other terms and conditions as may be necessary to  
27 protect and preserve the public health. Such order shall also inform the  
28 person confined that such person has the right to consult an attorney,  
29 the right to a hearing pursuant to this section and that if such a hearing  
30 is requested, such person has the right to be represented by counsel,  
31 and that counsel shall be provided at the state's expense if such person  
32 is unable to pay for such counsel. A copy of the order shall be given to  
33 such person or by publication if the order is to quarantine individuals  
34 in a geographic area. The order shall be effective for not more than the  
35 incubation period of the disease for which the person is to be  
36 quarantined plus five days, pursuant to subsection (m) of this section,  
37 provided further orders of confinement pursuant to this section may  
38 be issued as to any respondent for successive periods of not more than  
39 the incubation period of the disease for which the person is to be  
40 quarantined plus five days, pursuant to subsection (m) of this section,  
41 if issued before the last business day of the preceding period of  
42 confinement.

43 (c) The isolation or quarantine shall be by the least restrictive means  
44 essential to prevent the spread of a communicable or possibly  
45 communicable disease to others and may include, but not be limited  
46 to, confinement to private homes with the agreement of the owner or  
47 contracted tenant of that home, other private premises or public  
48 premises. The person's first choice to remain in such person's private  
49 residence shall be granted by the commissioner unless there is clear

50 and convincing evidence that doing so would be detrimental to the  
51 public health with regard to the declared emergency.

52 (d) Isolated persons shall be confined separately from quarantined  
53 persons, except as required in subsection (k) of this section.

54 (e) The health status of isolated and quarantined persons shall be  
55 monitored regularly to determine if they require isolation or  
56 quarantine.

57 (f) If a quarantined individual subsequently becomes infected or is  
58 reasonably believed to have become infected with a communicable or  
59 possibly communicable disease, he or she shall be promptly removed  
60 to isolation. When transferring a person from quarantine to isolation,  
61 the desires of the family shall be met in accordance with subsections  
62 (c), (d), and (k) of this section.

63 (g) Isolated and quarantined persons shall be immediately released  
64 when they pose no substantial risk of transmitting a communicable or  
65 possibly communicable disease to others. The Commissioner of Public  
66 Health shall adopt regulations, in accordance with chapter 54 of the  
67 general statutes, consistent with the provisions of this section to  
68 govern the release of persons who are in quarantine or isolation when  
69 the public health emergency is terminated.

70 (h) The needs of persons isolated and quarantined shall be  
71 addressed in a systematic and competent fashion, including, but not  
72 limited to, providing adequate food, clothing, shelter, means of  
73 communicating with those in and outside of isolation or quarantine,  
74 medication, and competent medical care. Said needs shall include  
75 ensuring that there is no interruption in medication or critical care  
76 support or services for an existing medical condition, and providing  
77 timely access to qualified healthcare providers or facilities for  
78 treatment of an illness or injury that might arise during isolation or  
79 quarantine.

80 (i) The premises used for isolation and quarantine shall be

81 maintained in a safe and hygienic manner and be designed to  
82 minimize the likelihood of further transmission of infection or other  
83 harms to persons isolated and quarantined.

84 (j) To the extent possible, cultural and religious beliefs shall be  
85 considered in addressing the needs of persons in, and establishing and  
86 maintaining, isolation and quarantine premises. This shall include the  
87 ability of nonisolated or nonquarantined persons to provide  
88 humanitarian support to persons who are in isolation or quarantine.  
89 The Commissioner of Public Health shall adopt regulations, in  
90 accordance with chapter 54 of the general statutes, establishing  
91 procedures for ensuring the timely provision of humanitarian support,  
92 including, but not limited to, delivery of food, medicine, clothing,  
93 bedding and other necessities, and removal of soiled clothing and  
94 waste in support of each person in isolation or quarantine.

95 (k) Priority shall be given to keeping persons together in either  
96 quarantine or isolation who regularly live together or where one  
97 person regularly provides essential support for another.

98 (1) Family members shall be allowed to stay together when they  
99 have been living together in the same residence or when one family  
100 member regularly requires the assistance of another.

101 (2) Custodial parents, legal guardians, or conservators of minor  
102 children, wards, or conservatees who may be quarantined or isolated  
103 shall be allowed to remain with their minor children, wards, or  
104 conservatees in quarantine or isolation. Such custodial parents, legal  
105 guardians, or conservators shall be provided all essential information  
106 concerning the conditions of quarantine or isolation and any health  
107 risk to themselves, and they shall be given the opportunity to have any  
108 questions answered.

109 (3) Custodial parents, legal guardians, or conservators who choose  
110 to remain with their minor children, wards, or conservatees in  
111 quarantine or isolation shall sign a waiver documenting their prior  
112 informed decision and their willingness to assume full responsibility

113 for any risks or consequences resulting from their decision.

114 (l) Failure to receive a vaccination for reasons of medical, religion, or  
115 conscience in and of itself shall not be grounds for isolation or  
116 quarantine.

117 (m) No person shall be quarantined under the provisions of this  
118 section unless that person is known to have been exposed to a disease  
119 specified in the Governor's executive order declaring the state of public  
120 health emergency. No person shall be quarantined for a period longer  
121 than the incubation period of the disease for which the person has  
122 been quarantined plus five days or if released by order of a court of  
123 competent jurisdiction.

124 (n) Any person who desires treatment by prayer or spiritual means  
125 without the use of any drugs or material remedies may be so treated  
126 during such person's confinement in such place.

127 (o) A person confined under this section shall have the right to a  
128 hearing before the superior court and, if such person or such person's  
129 representative requests a hearing in writing, such hearing shall be held  
130 within seventy-two hours of receipt of such request, excluding  
131 Saturdays, Sundays and legal holidays. A request for a hearing shall  
132 not stay the order of confinement issued by the commissioner under  
133 this section. If the order of confinement applies to persons living in a  
134 named geographic area, the court may authorize one or more attorneys  
135 to represent all the persons living in the named geographic area where  
136 there is a commonality of interests of such persons. The hearing shall  
137 be held to determine if (1) the person ordered confined is infected with  
138 a communicable disease or at substantial risk of having a  
139 communicable disease or passing a communicable disease to other  
140 persons, (2) the person poses a substantial threat to the public health,  
141 and (3) confinement of the person is necessary and the least restrictive  
142 alternative to protect and preserve the public health.

143 (p) At such hearing, the commissioner shall have the burden of  
144 showing by clear and convincing evidence that the respondent is

145 infected with any communicable disease or at substantial risk of  
146 having a communicable disease or passing such communicable disease  
147 to other persons and poses a substantial threat to the public health and  
148 that confinement of the respondent is necessary and the least  
149 restrictive alternative to protect and preserve the public health.

150 (q) If the court, on such hearing, finds by clear and convincing  
151 evidence that the respondent is infected with a communicable disease  
152 or at substantial risk of having a communicable disease and poses a  
153 substantial threat to the public health and that confinement of the  
154 respondent is necessary and the least restrictive alternative to protect  
155 and preserve the public health, it shall order (1) the continued  
156 confinement of the respondent under such terms and conditions  
157 pursuant to subsection (j) of this section, or (2) the release of the  
158 respondent under such terms and conditions as it deems appropriate  
159 to protect the public health.

160 (r) If the court, on such hearing, fails to find that the conditions  
161 required for an order for confinement have been proven, it shall order  
162 the immediate release of the respondent.

163 (s) The commissioner may apply to the trial court for an order  
164 enforcing the provisions of any order issued by the commissioner and  
165 such other equitable relief as the court deems appropriate."

166 Strike section 7 in its entirety and substitute the following in lieu  
167 thereof:

168 "Sec. 7. Section 19a-221 of the general statutes is repealed and the  
169 following is substituted in lieu thereof (*Effective from passage*):

170 [(a) For the purposes of this section, (1) "communicable disease"  
171 means a disease or condition, the infectious agent of which may pass  
172 or be carried, directly or indirectly, from the body of one person or  
173 animal to the body of another person or animal; and (2) "respondent"  
174 means a person ordered confined under this section.

175 (b) Any town, city or borough director of health may order any  
176 person into confinement whom he has reasonable grounds to believe  
177 to be infected with any communicable disease and any person who  
178 intentionally or unintentionally harbors in or on the body amounts of  
179 radioactive material sufficient to constitute a radiation hazard to others  
180 and who is unable or unwilling to conduct himself in such manner as  
181 to not expose other persons to danger of infection or irradiation  
182 whenever such director determines such person poses a substantial  
183 threat to the public health and such action is necessary to protect or  
184 preserve the public health.

185 (c) The order by the director shall be in writing setting forth: (1) The  
186 name of the person to be confined, (2) the basis for the director's belief  
187 that the person has a communicable disease or harbors radioactive  
188 material, that the person poses a substantial threat to the public health  
189 and that confinement is necessary to protect or preserve the public  
190 health, (3) the period of time during which the order shall remain  
191 effective, (4) the place of confinement as designated by the director,  
192 and (5) such other terms and conditions as may be necessary to protect  
193 and preserve the public health. Such order shall also inform the person  
194 confined that he has the right to consult an attorney, the right to a  
195 hearing under this section, and that if such a hearing is requested, he  
196 has the right to be represented by counsel, and that counsel will be  
197 provided at the state's expense if he is unable to pay for such counsel.  
198 A copy of the order shall be given to such person. Within twenty-four  
199 hours of the issuance of the order, the director of health shall notify the  
200 Commissioner of Public Health that such an order has been issued.  
201 The order shall be effective for not more than fifteen days, provided  
202 further orders of confinement pursuant to this section may be issued as  
203 to any respondent for successive periods of not more than fifteen days  
204 if issued before the last business day of the preceding period of  
205 confinement.

206 (d) A person ordered confined under this section shall be confined  
207 in a place designated by the director of health until such time as such  
208 director determines such person no longer poses a substantial threat to

209 the public health or is released by order of a court of competent  
210 jurisdiction. Any person who desires treatment by prayer or spiritual  
211 means without the use of any drugs or material remedies, but through  
212 the use of the principles, tenets or teachings of any church  
213 incorporated under chapter 598, may be so treated during his  
214 confinement in such place.

215 (e) A person confined under this section shall have the right to a  
216 court hearing and, if such person or his representative requests a  
217 hearing in writing, such hearing shall be held within seventy-two  
218 hours of receipt of such request, excluding Saturdays, Sundays and  
219 legal holidays. A request for a hearing shall not stay the order of  
220 confinement issued by the director of health under this section. The  
221 hearing shall be held to determine if (1) the person ordered confined is  
222 infected with a communicable disease or harbors radioactive material,  
223 (2) the person poses a substantial threat to the public health, and (3)  
224 confinement of the person is necessary and the least restrictive  
225 alternative to protect and preserve the public health. The  
226 Commissioner of Public Health shall have the right to be made a party  
227 to the proceedings.

228 (f) Jurisdiction shall be vested in the court of probate for the district  
229 in which such person resides or is confined. The Probate Court  
230 Administrator shall appoint a three-judge court from among the  
231 several judges of probate to conduct the hearing. Such three-judge  
232 court shall consist of at least one judge who is an attorney-at-law  
233 admitted to practice in this state. The judge of the court of probate  
234 having jurisdiction under the provisions of this section shall be a  
235 member, provided such judge may disqualify himself in which case all  
236 three members of such court shall be appointed by the Probate Court  
237 Administrator. Such three-judge court when convened shall be subject  
238 to all of the provisions of law as if it were a single-judge court. The  
239 involuntary confinement of a person under this section shall not be  
240 ordered by the court without the vote of at least two of the three  
241 judges convened hereunder. The judges of such court shall designate a  
242 chief judge from among their members. All records for any case before



243 the three-judge court shall be maintained in the court of probate  
244 having jurisdiction over the matter as if the three-judge court had not  
245 been appointed.

246 (g) Notice of the hearing shall be given the respondent and shall  
247 inform him that he or his representative has a right to be present at the  
248 hearing; that he has a right to counsel; that he, if indigent or otherwise  
249 unable to pay for or obtain counsel, has a right to have counsel  
250 appointed to represent him; and that he has a right to cross-examine  
251 witnesses testifying at the hearing. If the court finds such respondent is  
252 indigent or otherwise unable to pay for or obtain counsel, the court  
253 shall appoint counsel for him, unless such respondent refuses counsel  
254 and the court finds that the respondent understands the nature of his  
255 refusal. The court shall provide such respondent a reasonable  
256 opportunity to select his own counsel to be appointed by the court. If  
257 the respondent does not select counsel or if counsel selected by the  
258 respondent refuses to represent him or is not available for such  
259 representation, the court shall appoint counsel for the respondent from  
260 a panel of attorneys admitted to practice in this state provided by the  
261 Probate Court Administrator in accordance with regulations  
262 promulgated by the Probate Court Administrator in accordance with  
263 section 45a-77. The reasonable compensation of appointed counsel for  
264 a person who is indigent or otherwise unable to pay for counsel shall  
265 be established by, and paid from funds appropriated to, the Judicial  
266 Department.

267 (h) Prior to such hearing, such respondent or his counsel shall be  
268 afforded access to all records including, without limitation, hospital  
269 records if such respondent is hospitalized. If such respondent is  
270 hospitalized at the time of the hearing, the hospital shall make  
271 available at such hearing for use by the patient or his counsel all  
272 records in its possession relating to the condition of the respondent.  
273 Nothing herein shall prevent timely objection to the admissibility of  
274 evidence in accordance with the rules of civil procedure.

275 (i) At such hearing, the director of health who ordered the

276 confinement of the respondent shall have the burden of showing by  
277 clear and convincing evidence that the respondent is infected with a  
278 communicable disease or harbors radioactive material and poses a  
279 substantial threat to the public health and that confinement of the  
280 respondent is necessary and the least restrictive alternative to protect  
281 and preserve the public health.

282 (j) If the court, on such hearing, finds by clear and convincing  
283 evidence that the respondent is infected with a communicable disease  
284 or harbors radioactive material and poses a substantial threat to the  
285 public health and that confinement of the respondent is necessary and  
286 the least restrictive alternative to protect and preserve the public  
287 health, it shall order (1) the continued confinement of the respondent  
288 under such terms and conditions as it deems appropriate until such  
289 time as it is determined that his release would not constitute a  
290 substantial threat to the public health, or (2) the release of the  
291 respondent under such terms and conditions as it deems appropriate  
292 to protect the public health.

293 (k) If the court, on such hearing, fails to find that the conditions  
294 required for an order for confinement have been proven, it shall order  
295 the immediate release of the respondent.

296 (l) A respondent may, at any time, move the court to terminate or  
297 modify an order made under subsection (j) of this section, in which  
298 case a hearing shall be held in accordance with this section. The court  
299 shall annually, upon its own motion, hold a hearing to determine if the  
300 conditions which required the confinement or restriction of the  
301 respondent still exist. If the court, at a hearing held upon motion of the  
302 respondent or its own motion, fails to find that the conditions which  
303 required confinement or restriction still exist, it shall order the  
304 immediate release of the respondent. If the court finds that such  
305 conditions still exist but that a different remedy is appropriate under  
306 this section, the court shall modify its order accordingly.

307 (m) Any person aggrieved by an order of the Court of Probate

308 under this section may appeal to the Superior Court.]

309 (a) Each person entering quarantine or isolation pursuant to this  
310 section, or that person's custodial parent, legal guardian, or  
311 conservator shall be provided with a clear written explanation of the  
312 order by the commissioner which contains: (1) (A) The name of the  
313 person or persons to be confined, or (B) the name of the geographic  
314 area where such communicable disease is present and such persons  
315 living in such area are to be confined, (2) the basis for the  
316 commissioner's belief that the person has a communicable disease or is  
317 at a substantial risk of having a communicable disease or passing such  
318 communicable disease to other persons, that the person poses a  
319 substantial threat to the public health and that confinement is  
320 necessary to protect or preserve the public health, (3) the disease or  
321 diseases that resulted in the person's quarantine or isolation, including  
322 symptoms to be expected, available treatments, and all known health  
323 risks to persons in the quarantine or isolation area, (4) the period of  
324 time during which the order shall remain effective, (5) the place of  
325 confinement as designated by the commissioner, (6) all rules and  
326 regulations related to the quarantine or isolation, (7) the conditions of  
327 their quarantine or isolation, (8) how the daily personal needs will be  
328 met, including contact with friends or relatives who are not physically  
329 with the person in quarantine or isolation, (9) the rights and  
330 responsibilities specified in this section, including, but not limited to,  
331 those either explicit or implicit in subdivision (8) of this subsection,  
332 and (10) such other terms and conditions as may be necessary to  
333 protect and preserve the public health. Such order shall also inform the  
334 person confined that such person has the right to consult an attorney,  
335 the right to a hearing pursuant to this section and that if such a hearing  
336 is requested, such person has the right to be represented by counsel,  
337 and that counsel shall be provided at the state's expense if such person  
338 is unable to pay for such counsel. A copy of the order shall be given to  
339 such person or by publication if the order is to quarantine individuals  
340 in a geographic area. The order shall be effective for not more than the  
341 incubation period of the disease for which the person is to be

342 quarantined plus five days, pursuant to subsection (l) of this section,  
343 provided further orders of confinement pursuant to this section may  
344 be issued as to any respondent for successive periods of not more than  
345 the incubation period of the disease for which the person is to be  
346 quarantined plus five days, pursuant to subsection (l) of this section, if  
347 issued before the last business day of the preceding period of  
348 confinement.

349 (b) The isolation or quarantine shall be by the least restrictive means  
350 essential to prevent the spread of a communicable or possibly  
351 communicable disease to others and may include, but not be limited  
352 to, confinement to private homes with the agreement of the owner or  
353 contracted tenant of that home, other private premises or public  
354 premises. The person's first choice to remain in such person's private  
355 residence shall be granted by the commissioner unless there is clear  
356 and convincing evidence that doing so would be detrimental to the  
357 public health with regard to the declared emergency.

358 (c) Isolated persons shall be confined separately from quarantined  
359 persons, except as required in subsection (j) of this section.

360 (d) The health status of isolated and quarantined persons shall be  
361 monitored regularly to determine if they require isolation or  
362 quarantine.

363 (e) If a quarantined individual subsequently becomes infected or is  
364 reasonably believed to have become infected with a communicable or  
365 possibly communicable disease, he or she shall be promptly removed  
366 to isolation. When transferring a person from quarantine to isolation,  
367 the desires of the family shall be met in accordance with subsections  
368 (b), (c), and (j) of this section.

369 (f) Isolated and quarantined persons shall be immediately released  
370 when they pose no substantial risk of transmitting a communicable or  
371 possibly communicable disease to others. The Commissioner of Public  
372 Health shall adopt regulations, in accordance with chapter 54 of the  
373 general statutes, consistent with the provisions of this section to

374 govern the release of persons who are in quarantine or isolation when  
375 the public health emergency is terminated.

376 (g) The needs of persons isolated and quarantined shall be  
377 addressed in a systematic and competent fashion, including, but not  
378 limited to, providing adequate food, clothing, shelter, means of  
379 communicating with those in and outside of isolation or quarantine,  
380 medication, and competent medical care. Said needs shall include  
381 ensuring that there is no interruption in medication or critical care  
382 support or services for an existing medical condition, and providing  
383 timely access to qualified healthcare providers or facilities for  
384 treatment of an illness or injury that might arise during isolation or  
385 quarantine.

386 (h) The premises used for isolation and quarantine shall be  
387 maintained in a safe and hygienic manner and be designed to  
388 minimize the likelihood of further transmission of infection or other  
389 harms to persons isolated and quarantined.

390 (i) To the extent possible, cultural and religious beliefs shall be  
391 considered in addressing the needs of persons in, and establishing and  
392 maintaining, isolation and quarantine premises. This shall include the  
393 ability of nonisolated or nonquarantined persons to provide  
394 humanitarian support to persons who are in isolation or quarantine.  
395 The Commissioner of Public Health shall adopt regulations, in  
396 accordance with chapter 54 of the general statutes, establishing  
397 procedures for ensuring the timely provision of humanitarian support,  
398 including, but not limited to, delivery of food, medicine, clothing,  
399 bedding and other necessities, and removal of soiled clothing and  
400 waste in support of each person in isolation or quarantine.

401 (j) Priority shall be given to keeping persons together in either  
402 quarantine or isolation who regularly live together or where one  
403 person regularly provides essential support for another.

404 (1) Family members shall be allowed to stay together when they  
405 have been living together in the same residence or when one family

406 member regularly requires the assistance of another.

407 (2) Custodial parents, legal guardians, or conservators of minor  
408 children, wards, or conservatees who may be quarantined or isolated  
409 shall be allowed to remain with their minor children, wards, or  
410 conservatees in quarantine or isolation. Such custodial parents, legal  
411 guardians, or conservators shall be provided all essential information  
412 concerning the conditions of quarantine or isolation and any health  
413 risk to themselves, and they shall be given the opportunity to have any  
414 questions answered.

415 (3) Custodial parents, legal guardians, or conservators who choose  
416 to remain with their minor children, wards, or conservatees in  
417 quarantine or isolation shall sign a waiver documenting their prior  
418 informed decision and their willingness to assume full responsibility  
419 for any risks or consequences resulting from their decision.

420 (k) Failure to receive a vaccination for reasons of medical, religion,  
421 or conscience in and of itself shall not be grounds for isolation or  
422 quarantine.

423 (l) No person shall be quarantined under the provisions of this  
424 section unless that person is known to have been exposed to a disease  
425 specified in the Governor's executive order declaring the state of public  
426 health emergency. No person shall be quarantined for a period longer  
427 than the incubation period of the disease for which the person has  
428 been quarantined plus five days or if released by order of a court of  
429 competent jurisdiction.

430 (m) Any person who desires treatment by prayer or spiritual means  
431 without the use of any drugs or material remedies may be so treated  
432 during such person's confinement in such place.

433 (n) A person confined under this section shall have the right to a  
434 hearing before the superior court and, if such person or such person's  
435 representative requests a hearing in writing, such hearing shall be held  
436 within seventy-two hours of receipt of such request, excluding

437 Saturdays, Sundays and legal holidays. A request for a hearing shall  
438 not stay the order of confinement issued by the commissioner under  
439 this section. If the order of confinement applies to persons living in a  
440 named geographic area, the court may authorize one or more attorneys  
441 to represent all the persons living in the named geographic area where  
442 there is a commonality of interests of such persons. The hearing shall  
443 be held to determine if (1) the person ordered confined is infected with  
444 a communicable disease or at substantial risk of having a  
445 communicable disease or passing a communicable disease to other  
446 persons, (2) the person poses a substantial threat to the public health,  
447 and (3) confinement of the person is necessary and the least restrictive  
448 alternative to protect and preserve the public health.

449 (o) At such hearing, the commissioner shall have the burden of  
450 showing by clear and convincing evidence that the respondent is  
451 infected with any communicable disease or at substantial risk of  
452 having a communicable disease or passing such communicable disease  
453 to other persons and poses a substantial threat to the public health and  
454 that confinement of the respondent is necessary and the least  
455 restrictive alternative to protect and preserve the public health.

456 (p) If the court, on such hearing, finds by clear and convincing  
457 evidence that the respondent is infected with a communicable disease  
458 or at substantial risk of having a communicable disease and poses a  
459 substantial threat to the public health and that confinement of the  
460 respondent is necessary and the least restrictive alternative to protect  
461 and preserve the public health, it shall order (1) the continued  
462 confinement of the respondent under such terms and conditions  
463 pursuant to subsection (i) of this section, or (2) the release of the  
464 respondent under such terms and conditions as it deems appropriate  
465 to protect the public health.

466 (q) If the court, on such hearing, fails to find that the conditions  
467 required for an order for confinement have been proven, it shall order  
468 the immediate release of the respondent.

469        (r) The commissioner may apply to the trial court for an order  
470        enforcing the provisions of any order issued by the commissioner  
471        pursuant to subsection (b) of this section and such other equitable  
472        relief as the court deems appropriate."